

Message Text

SECRET

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00
INRE-00 ACDE-00 DOEE-00 /026 W
-----065092 261529Z /46
O 261321Z JUL 78
FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 2541
INFO AMEMBASSY LONDON PRIORITY
AMEMBASSY MOSCOW PRIORITY

S E C R E T SECTION 01 OF 02 GENEVA 11490

EXDIS USCTB

PASS TO DOE

E.O.11652:XGDS-3
TAGS: PARM US UK UR
SUBJECT: CTB NEGOTIATIONS: POLITICAL WORKING GROUP
CONSIDERATION OF MULTILATERAL TREATY ISSUES, INCLUDING
PROVISION ON REVIEW CONFERENCE

CTB MESSAGE NO.270

1. SUMMARY: POLITICAL WORKING GROUP MEETING JULY 25
CONSIDERED THREE SUBJECTS.(A) ON DRAFT ARTICLE PROVIDING
THAT PNE PROTOCOL IS AN INTEGRAL PART OF THE TREATY, DELS
WORKED OUT COMPOSITE TEXT (CONTAINED IN PARAGRAPH 2
BELOW). (B) DELS CONTINUED DISCUSSION OF ARTICLE IV PRO-
VIDING THAT TREATY WILL NOT AFFECT OTHER INTERNATIONAL
AGREEMENTS. (C) RESPONDING TO INQUIRY BY BIRCH (UK),
TIMERBAEV (USSR) CONFIRMED THAT UNDER THE SOVIET PROPOSAL
THE REVIEW CONFERENCE (ARTICLE VII) WOULD HAVE OPTIONS OF
EXTENDING THE TREATY, AMENDING IT, OR TAKING NO ACTION.
NEIDLE (US) ARGUED IN FAVOR OF US-UK PROPOSAL. END SUMMARY.

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2. AT POLITICAL WORKING GROUP MEETING JULY 25, DELE-
GATIONS FIRST CONSIDERED NEW PROPOSALS FOR LANGUAGE IN
THE MULTILATERAL TREATY RELATING TO THE PNE PROTOCOL. THE
SOVIET DELEGATION PROPOSED: "NUCLEAR EXPLOSIONS FOR PEACE-
FUL PURPOSES SHALL BE GOVERNED BY THE PROVISIONS OF THE
PROTOCOL TO THIS TREATY. THE PROTOCOL SHALL FORM AN

INTEGRAL PART OF THE TREATY." THE US DELEGATION, BELIEVING THAT THIS FORMULATION SUGGESTED THAT PNES WOULD BE TAKING PLACE UNDER THE PROTOCOL, COUNTER-PROPOSED THE FOLLOWING: "THE PROVISIONS OF THE PROTOCOL TO THIS TREATY SHALL APPLY TO NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES. THE PROTOCOL SHALL BE AN INTEGRAL PART OF THE TREATY." THE SOVIET AND UK DELEGATIONS AGREED THAT THIS LANGUAGE WAS STRAIGHTFORWARD AND NEUTRAL AND ACCEPTED IT AS AN AGREED PART OF THE COMPOSITE TEXT. THEY ALSO ACCEPTED A US DELEGATION SUGGESTION TO MAKE THIS LANGUAGE ARTICLE II OF THE TREATY, WITH THE VERIFICATION ARTICLE BECOMING ARTICLE III.

3. THE DELEGATIONS CONTINUED TO DISCUSS POSSIBLE FORMULATIONS FOR AN ARTICLE, PROPOSED BY THE SOVIET DEL, MAKING CLEAR THAT THE CTB WOULD NOT AFFECT OR TERMINATE SUCH PRIOR AGREEMENTS AS THE 1963 LTBT. WHILE THE UK DELEGATION BELIEVED SUCH AN ARTICLE WAS NOT ESSENTIAL, THE THREE DELEGATIONS AGREED IN GENERAL ON THE OBJECTIVES OF SUCH A PROVISION AND THAT THEY WOULD CONTINUE TO TRY TO DEVELOP A SATISFACTORY ARTICLE. THE DELEGATIONS RECOGNIZED THAT THIS CLAUSE SHOULD NOT BE INTERPRETABLE AS PROTECTING ANY PRIOR OBLIGATIONS INCONSISTENT WITH A CTB. THEY ALSO FAVORED SEEKING A GENERAL FORMULATION THAT WOULD NOT RAISE QUESTIONS ABOUT WHICH SPECIFIC ELEMENTS OF PRIOR ARMS CONTROL AGREEMENTS MIGHT BE CONSISTENT AND WHICH INCON-

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SISTENT WITH A CTB.

4. WITH RESPECT TO THE REVIEW CONFERENCE, BIRCH (UK) ASKED TIMERBAEV (USSR) A SERIES OF QUESTIONS ABOUT THE MEANING OF THE LANGUAGE PROPOSED BY THE SOVIET DELEGATION (ARTICLE VII, CTB MESSAGE 268). TIMERBAEV PREFACED HIS RESPONSE BY STATING FOR THE RECORD "SOMETHING THAT IS IN MY BRIEF"; NAMELY, THAT THE SOVIET UNION REAFFIRMED THE IMPORTANCE OF THE THREE GOVERNMENTS CONFERRING PRIVATELY BEFORE THE OPENING OF ANY REVIEW CONFERENCE, AS THE US AND UK DELS SAID WAS INTENDED; AND THE SOVIET DEL WOULD LATER PROPOSE, WHEN THE DELEGATIONS BEGAN ELABORATING THE FUNCTIONS OF THE JOINT CONSULTATIVE COMMISSION, A PROVISION FOR SUCH CONSULTATIONS.

5. TIMERBAEV THEN RESPONDED TO SPECIFIC QUESTIONS BY BIRCH REGARDING THE SOVIET FORMULATION THAT THE FUNCTIONS OF THE REVIEW CONFERENCE WOULD BE "TO REVIEW THE OPERATION OF THE TREATY AND TO CONSIDER THE QUESTION OF EXTENDING IT, DEPENDING ON WHETHER ANY STATE NOT PARTY TO THE TREATY WILL CONDUCT NUCLEAR EXPLOSIONS." TIMERBAEV SAID THAT THE LENGTH OF ANY EXTENSION SHOULD BE FOR THE REVIEW CONFERENCE

TO DECIDE, AFTER PRIOR DISCUSSION BY THE USSR, UK AND US.
THE POSSIBILITY OF ADDITIONAL REVIEW CONFERENCES WOULD NOT
BE SPECIFICALLY MENTIONED IN THE TREATY, HE SAID, BUT COULD
BE DISCUSSED IN A FIRST REVIEW CONFERENCE. CONTINUED
TESTING BY OTHER COUNTRIES WOULD NOT BE THE ONLY FACTOR
THAT THE CONFERENCE COULD CONSIDER IN CONNECTION WITH AN
EXTENSION; OTHER FACTORS MIGHT ALSO BE CONSIDERED.
TIMERBAEV ARGUED THAT THE SOVIET PROPOSAL FOR REFERRING
TO TESTING BY OTHER COUNTRIES WAS BASED IN PART ON SUCH A
REFERENCE IN THE KEY ELEMENT ON WITHDRAWAL CONTAINED IN

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00

INRE-00 ACDE-00 DOEE-00 /026 W

-----065179 261536Z /42

O 261321Z JUL 78

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 2542

INFO AMEMBASSY LONDON PRIORITY

AMEMBASSY MOSCOW PRIORITY

S E C R E T SECTION 02 OF 02 GENEVA 11490

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PASS TO DOE

THE US WORKING PAPER LAST DECEMBER.

6. BIRCH ASKED WHETHER EXTENSION OF THE SAME TREATY WOULD
BE THE ONLY OPTION OF THE REVIEW CONFERENCE. COULD THE
REVIEW CONFERENCE DECIDE THAT THE TREATY SHOULD BE CHANGED?
TIMERBAEV REPLIED THAT THE SOVIET LANGUAGE DOES NOT EXCLUDE
SUCH A POSSIBILITY. THE SOVIET DRAFT, HE SAID, MAKES IT
CLEAR THAT EXTENSION IS AN AVAILABLE OPTION, BUT THE CON-
FERENCE COULD CONSIDER OTHER POSSIBILITIES. IN FACT, IF
THE CONFERENCE EXTENDED THE TREATY FOR A PERIOD OF TIME,
THAT WOULD AMOUNT TO AN AMENDMENT WITH RESPECT TO DURATION,
AND THE CONFERENCE COULD ALSO CHANGE OTHER ARTICLES. THUS,
THE SOVIET FORMULATION DOES NOT EXCLUDE POSSIBLE CHANGES
IN THE TREATY, BUT IT CLEARLY KEEPS OPEN THE OPTION OF
"EXTENDING" A TREATY THAT WOULD HAVE THE SAME SCOPE OF
PROHIBITION AS THE PRESENT TREATY. TIMERBAEV STRESSED

AGAIN, "THIS IS OUR MAIN CONCERN -- THE SCOPE OF THE PROHIBITION."

7. NEIDLE (US) REVIEWED THE US APPROACH, EXPLAINING THAT
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THE FORMULATION PROPOSED BY THE US WAS THE SIMPLEST AND LEAST PREJUDICIAL POSSIBLE. IT LEFT OPEN THE POSSIBILITIES THAT AFTER THE REVIEW CONFERENCE, THERE COULD BE NO TREATY, THE SAME TREATY, OR A DIFFERENT TREATY. THE SOVIET FORMULATION COULD APPEAR TO PREJUDICE THIS LAST OPTION. WE WERE INTERESTED, HOWEVER, TO HEAR THAT IT WAS THE SOVIET INTENTION TO KEEP ALL THREE OF THESE OPTIONS OPEN. NEIDLE ALSO DISTINGUISHED BETWEEN REFERENCE IN A WITHDRAWAL CLAUSE TO OTHER STATES' TESTING, AS GROUNDS FOR WITHDRAWAL BY A PARTY, AND SUCH A REFERENCE IN A CLAUSE ON DURATION. UNDER THE CONCEPT ON WITHDRAWAL THAT WAS ONCE PROPOSED BY THE US DELEGATION, THE EXISTENCE OF THE TREATY WOULD NOT NECESSARILY DEPEND ON THE ACTIONS OF OTHER COUNTRIES. NEIDLE URGED THAT SINCE ALL THREE DELEGATIONS AGREED THAT MANY CONSIDERATIONS COULD AND WOULD BE TAKEN INTO ACCOUNT AT THE REVIEW CONFERENCE, IT WOULD BE BEST NOT TO MENTION ANY PARTICULAR FACTORS THAT WOULD GO INTO THE DECISION. EXPLICITLY HINGING THE TREATY'S EXISTENCE ON TESTING BY OTHERS, I.E. FRANCE AND CHINA, WAS NOT A PRODUCTIVE APPROACH. JOHNSON

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LIMITED TEST BAN TREATY, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 26 jul 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978GENEVA11490
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X3
Errors: N/A
Expiration:
Film Number: D780306-0771
Format: TEL
From: GENEVA
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780720/aaaaaqjg.tel
Line Count: 200
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 87fce66c-c288-dd11-92da-001cc4696bcc
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1886694
Secure: OPEN
Status: NATIVE
Subject: CTB NEGOTIATIONS: POLITICAL WORKING GROUP CONSIDERATION OF MULTILATERAL TREATY ISSUES, INCLUDING PROVISION ON REVIEW CONFERENCE
TAGS: PARM, US, UK, UR
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/87fce66c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014